

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jason Johnston ,

Court File No. 15-cv-3685 (SRN/KMM)

Plaintiff,

v.

JOINT STATEMENT OF THE CASE

BNSF Railway Company,

Defendant.

Plaintiff Jason Johnston was hired by BNSF in 1997 in the engineering department. At the relevant time, Mr. Johnston worked as a track inspector on the Appleton Subdivision, which runs between Appleton, Minnesota and Aberdeen, South Dakota.

By this lawsuit, Mr. Johnston invokes two federal acts. The first, the Federal Employers Liability Act, is commonly known as the FELA. The FELA provides the remedy for workers who are injured while employed by a railroad. Mr. Johnston alleges that BNSF did not provide him with a reasonably safe place to work in violation of the FELA and that failure resulted in an August 7, 2013 injury to his low back. BNSF asserts that no railroad negligence caused Mr. Johnston's injury.

The second, the Federal Railroad Safety Act, is commonly known as the FRSA. The FRSA prohibits a railroad from discharging, suspending, reprimanding, or discriminating against an employee who engages in protected activities. Mr. Johnston alleges that BNSF retaliated against him for protected activities by removing him from work and then terminating him.

BNSF denies all of Mr. Johnston's claims. BNSF contends that Mr. Johnston was dismissed for non-discriminatory reasons.

Dated: November 10, 2017

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Dated this 10th day of November, 2017.

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